IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 860 OF 2004

IN

SUM. SUIT NO. 3225 OF 2003

Hemant Bhansali . .. Plaintiff.

vs.

Shreyas Intermediates

Ltd., .. Defendants.

Mr. S.B. Dhotre for plaintiff.

Mr. Hemant Dhotre for defendants.

CORAM : S.U. KAMDAR, J.

DATE : 4th October, 2005.

P.C.:

. The suit is filed for recovery of a sum of Rs. 1,76,345 towards the goods sold and delivered. The learned advocate for the defendants however contends that in respect of two invoices i.e. invoice no. 1321 dated 18.12.2002 for Rs. 18,100/- and invoice no. 1365 dated 7.2.2002 for Rs. 64,326 the dispute is about the quality of the goods. He has relied upon the letter which is at Exh. A dated 5.9.2002 to the affidavit in reply. I have

considered the aforesaid contentions. The goods are admittedly utilised by the defendants and not returned. However, in spite of the aforesaid fact with a view to give an opportunity to the defendants to defend the suit, I am of the opinion that defendants should be put on terms. The defendants are directed to deposit a sum of Rs. 1 lac in this Court within a period of four weeks from today failing which the plaintiff will be entitled to a decree. The amount if so deposited, the Prothonotary and Senior Master is directed to deposit the same in a fixed deposit with any nationalised bank initially for a period of one year and renew the same from time to time till further orders from this Court.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from the date of deposit. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.